

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

TERALL TURNER PLAINTIFF

.vs.

THOMAS MCGINLEY ETAL DEF

FILED
SCRANTON

APR 16 2018

Case No. 1:17-cv-02226

C Judge KANE

PER

DEPUTY CLERK

A. PLAINTIFFS' MOTION TO SUPPLEMENT AND AMEND THE COMPLAINT

I. PLAINTIFF TURNER MOVES WITH THIS MOTION TO SUPPLEMENT AND AMEND THE CASE. BY ADDING CLAIMS AND DEFENDANTS IN THIS MATTER. ~~PER~~ PRIOR TO ORDER DATED 27TH MARCH 2018 BY JUDGE KANE...

B.

JURISDICTION AND VENUE

II. THIS COURT HAS JURISDICTION PURSUANT TO 28 U.S.C. § 1331 1343 (3) AND (4), AND 42 U.S.C. § 1997E(e) AND 28 U.S.C. § 1346 (b) (2). THE MATTER ARISE UNDER 42 U.S.C. SECTION 1983...

C.1 Parties in This Matter:

1.1 DEFENDANT THOMAS MCGINLEY ARE BEING SUED IN HIS OFFICIAL AND INDIVIDUAL CAPACITIES.

2.1 DEFENDANT KELLY HENNING, STOUT, ARE BEING SUED IN THEIR INDIVIDUAL CAPACITIES.

3.1 DEFENDANT DEBRA CARNUCCIO, J. BUCHER ARE BEING SUED IN THEIR INDIVIDUAL CAPACITIES.

4.1 DEFENDANT DORINDA VARNER, BRIAN J. CARPENTIER, AND CHCA MERRITT, ARE BEING SUED IN THEIR INDIVIDUAL AND OFFICIAL CAPACITIES.

5.1 DEFENDANTS MARRITT-SCULLY HEALTHCARE ADMINISTRATOR DOCTOR MCCLUCK, AND PA, NURSE NACOLLE BURGESS ARE BEING SUED IN THEIR INDIVIDUAL CAPACITIES

Claims:

- A.1 PLAINTIFF BRINGS THIS ACTION UNDER THE EIGHTH AMENDMENT ALLEGING EXCESSIVE FORCE, DELIBERATE INDIFFERENCE, AND CRUEL UNUSUAL PUNISHMENT
- B.1 PLAINTIFF BRINGS THIS ACTION UNDER THE EIGHTH AMENDMENT ALLEGING CONSTITUTIONAL TORT OF ASSAULT AND BATTERY
- C.1 PLAINTIFF BRINGS THIS ACTION UNDER RETALIATION FOR EXERCISING MY CONSTITUTIONAL RIGHTS AND BEING SUBJECTED TO THE CLAIMS ABOVE.
- D.1 PLAINTIFF BRINGS THESE CLAIMS UNDER THE STATE AND FEDERAL CONSTITUTIONAL RIGHTS.

STATEMENT OF CLAIMS:

- 1.1 DEFENDANT THOMAS MCGINLEY SUPERINTENDENT VIOLATED PLAINTIFF EIGHTH AMENDMENT RIGHT FOR HIS FAILURE TO SUPERVISE OR DISCIPLINE GUARD KELLY WHO PUSHED ME DOWN THE STEPS MALICIOUSLY AND SADISTICALLY FOR THE VERY PURPOSE TO CAUSE HARM.
- 2.1 DEFENDANT KELLY VIOLATED PLAINTIFF EIGHTH AMENDMENT RIGHT OF EXCESSIVE FORCE AND CRUEL UNUSUAL PUNISHMENT PUSHING ME DOWN THE STEPS OUT OF RETALIATION WHILE HANDCUFFED FROM BEHIND THE BACK.
- 3.1 DEFENDANT HENNING AND STOUT VIOLATED PLAINTIFF EIGHTH AMENDMENT RIGHT THAT OF DELIBERATE INDIFFERENCE FOR FAILING TO INTERVEN BY PREVENTING DEFENDANT KELLY FROM PUSHING ME DOWN THE STEPS.
- 4.1 DEFENDANTS MARRITT-SCULLY HEALTH CARE ADMINISTRATORS, DOCTORS MCCLOCK, AND P.A. NALETTE BURGASLAN VIOLATED PLAINTIFF EIGHTH AMENDMENT RIGHT OF DELIBERATE INDIFFERENCE BY DENYING MEDICAL PROPER TREATMENT ATTENTIONS.

- 5.5 DEFENDANT KELLY VIOLATED PLAINTIFF EIGHTH AMENDMENT RIGHTS OF CRUEL UNUSUAL PUNISHMENT, AND CONSTITUTIONAL TORT. OF ASSAULT AND BATTERY.
- 6.5 DEFENDANT KELLY VIOLATED PLAINTIFF EIGHTH AMENDMENT RIGHT OF CRUEL UNUSUAL PUNISHMENT BY BEING RETALIATED AGAINST AS A RESULT OF MAKING STATEMENTS ABOUT A JULY 26, 2017 INCIDENT. I FILED A RELATED ALLEGATION OF ABUSE "GRIEVANCE (#691338)" ON JULY 28, 2017.

PERSONAL INVOLVEMENT:

1. In Addition, The "Objective Component" sufficiently serious where Plaintiff suffered a serious injuries. Prior to C" Grievance # 692224 > CX-RAY ordered on 8/1/2017 Extreme Pain in MY BACK, KNEE AND ANKLE AND due to my incident I was never properly treated treated considering the on going (EXTREME PAIN).
2. From the deliberate Indifference by The Defendants marriott-scully, Doctor McClock, AND DA. Nacolle Burgeslaw all Medical PERSONAL who knew about The Incident AND Had Direct Knowledge. From Grievances AND Request Slips..
3. The Subjective Component Consider Grievance # 696612 - 10/3/2017, Nurse JENN Denied ME MY Pain Medication.
4. Defendant Thomas McGinley Involvement Established Prior to The Person in Charge had Knowledge of AND Acquiesced in his Subordinates Violations Prior to MY "REQUEST SLIPS", AND Grievance HE Responded to in This Case.

- 5.5 DEFENDANT KELLY PERSONAL INVOLVEMENT Established when he maliciously intentionally, Pushed me down the steps while CUFFED FROM BEHIND.
- 6.5 DEFENDANTS HENNING AND STOUT PERSONAL INVOLVEMENT Established for failing to intervene by preventing KELLY FROM PUSHING ME DOWN THE STEPS, These individual was there at the time, and was part of the ESCORT..
- 7.5 DEFENDANT DEBRA CARNUCCIO PERSONAL INVOLVEMENT Established FOR DENYING MY GRIEVANCE # 696612 PRIOR TO BEING DENIED MY PAIN MEDICATION THAT WAS PRESCRIBED.
- 8.5 DEFENDANT J. BUCHER PERSONAL INVOLVEMENT Established FOR DENYING MY GRIEVANCE # 692224 where I were under Extreme Pain. AND DENIED ME MEDICAL ATTENTION
- 9.5 DEFENDANT DORINA VARNER PERSONAL INVOLVEMENT Established FOR DENYING MY GRIEVANCE # 691338 who was the first PERSONAL TO BECOME AWARE OF MY INJURY, AND MEANS OF RETALIATION BY THE GUARDS

10.5 DEFENDANT BRIAN J. CARPENTIERA PERSONAL INVOLVEMENT
ESTABLISHED FOR DENYING MY GRIEVANCE # 691338
WITHOUT ANY FORMS OF ACTION.

11.5 DEFENDANT CHCA MERRITT PERSONAL INVOLVEMENT
ESTABLISHED FOR DENYING MY GRIEVANCE # 695637
WITHOUT GIVING ME PROPER ATTENTION WHO CONFIRMED
THAT I WAS PUSHED DOWN STEPS.

TERRELL TURPIN # C.K. 909
S.C.I. GREENE
175 PROGRESS DRIVE
WAYNESBURG, P.A. 15370

RECEIVED
SCRIPPS

APR 13 2018

PER

PA DEPT OF
CORRECTIONS
INMATE MAIL



U.S. POSTAGE PTNEY BOWES
ZIP 15370 \$ 001.42⁰⁰
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